

~~RECEIVED~~ FILEDJUL 26 2011  
RICHARD W. WICKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

## PLAINTIFFS OPPPOSITION:

I RODNEY SMITH THE PLAINTIFF IN THIS ACTION OBJECT TO ANY REQUEST SEEKING DISMISSAL. IN MY CONTENTION OF REQUEST FOR DISMISSAL I WOULD LIKE TO EXPRESS THAT I MET WITH DEFENDANTS ATTORNEY (LYNN G. STOCKER) JULY 5, 2011 FOR A DEPOSITION AT SANTA RITA COUNTY JAIL. DURING DEPOSITION I TESTIFIED UNDER OATH AND GAVE AN HONEST AND TRUE ACCOUNT OF THE EVENTS THAT TRANSPRIRED THAT JULY 31, 2004 AND THE EVENTS PRECEEDING IT: REFERRING TO A NINE MONTH INCARCERATION I SERVED IN 2005-06 STEMING FROM THE EVENTS OF JULY 2004 FOR BATTERY OF A POLICE OFFICER THAT I NEVER BATTERED. AT DEPOSITION (JULY 5, 2011) I PRESENTED DEFENDANTS ATTORNEY WITH THE FIRST AND LAST NAMES OF (6) WITNESSES WHO WERE PRESENT AT TIME OF INCIDENT, ALONG WITH A WRITTEN STATEMENT OF ONE OF THE WITNESSES WHO CAN CONFIRM MY ACCOUNT OF EVENTS, AND WHOM WAS PRESENT [SEE WITNESS STATEMENT] ON SAID DATE. A COPY OF THAT WITNESS ACCOUNT WAS MADE AND RETURNED TO ME. I ALSO EXPRESS THAT A FULL COPY OF THE DEPOSITION HAS NOT BEEN DELIVERED INTO MY POSSESSION, BUT ONLY SNIPPETS THEREOF: BY MAIL I RECEIVED PAGES: 8-13, PAGES 74-77, AND PAGE 91 WITH GAPS BETWEEN THE LISTED PAGES. AND AT NO TIME HAVE I BEEN GIVEN THE OPPORTUNITY TO READ SAID DEPOSITION OR TO MAKE CORRECTIONS TO IT AS REPORTED BY WENDY BRONN, A REP OF PATRICIA CALLAHAN, WHO CLAIMS TO BE A DISINTERESTED PARTY. ALSO IN LIGHT OF OPPOSITION.

TO DISMISS I REFUTE DEFENDANTS CLAIMS TO BE  
PARDONED BY THE STATE OF LIMITATIONS; THIS SUIT  
HAS BEEN FILED WELL WITHIN THE LIMITS. AND WITH  
FULL REGARD TO THIS CIVIL ACTION BY WHICH A  
RELEVANT PORTION PERTAINS TO EVENTS THAT OCCURED  
AS RECENT AS 2005 AND EXTENDED TO 2006 WHICH  
IN ITSELF IS ANOTHER EXAMPLE OF A GROSS INJUSTICE  
THAT EXTENDED FROM INITIAL GRIEVANCES, AND UNDERLINE THE  
FORUM FOR VARIOUS CIVIL COMPLAINTS. THEREFORE I HEREBY  
PLEA THAT MY CLAIM BE UPHELD, AND THAT ALL REQUEST  
FOR DISMISSAL BE DENIED IN THE INTEREST OF JUSTICE.  
A COPY OF THIS DOCUMENT HAS ALSO BEEN FORWARDED  
TO THE OFFICE OF THE CLERK US. DIST. CT. NORTHERN  
DIST. OF CALIFORNIA.

RESPECTFULLY SUBMITTED

7/22/11

SELF ATTORNEY

RODNEY SMITH  
Rodney J. Smith

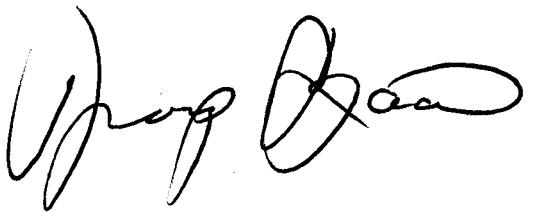
5325 BRODER BLVD  
DUBLIN CA 94568

MY NAME IS JOSEPH BACA - AY4286 AND I WAS A WITNESS TO THE ASSULT ON JAMAAR SMITH THAT OCCURED IN JULY, 2004 IN BUILDING (3) C-POD, I WAS THE POD WAKER FOR C-POD AND I WAS INSTRUCTED TO LOCK DOWN BY DEP. COOPER AT THAT TIME OBSERVED DEP COOPER AND ANOTHER DEPUTY WHICH WASN'T A ~~REGULAR~~ REGULAR COME BY SAID INDIVIDUALS CELL AND AT THE SAME TIME I ALSO OBSERVED THE PASS THREW DOOR BETWEEN C-POD - D-POD SLIGHTLY OPENED AT THAT TIME DEP. COOPER WENT TO JAMAAR'S CELL AND ASKED HIM "NOW WHAT WERE YOU SAYING" I THEN ~~HEARD~~ HEARD JAMAAR STATE "WHY YOU KEEP ON FUCKING WITH ME" AND THEN I HEARD DEP. COOPER KEY HIS DOOR AND STATE "WHY DONT YOU COME OUT HERE AND STATE THAT" AND AS ~~SOON~~ SOON AS JAMAAR CAME OUT OF HIS CELL DEP COOPER THEN TRIED TO SWEET JAMAAR OFF HIS FEET WHICH WAS OF NO AVAIL, WHEN THAT HAD HAPPEND ABOUT (6) SIX OTHER DEPUTYS CAME FROM THE PASS THREW POD AND BEGAN THE ASSULT ON JAMAAR, IN WHICH FROM MY OBSERVATIONS JAMAAR DID IN FACT COMPLY WITH ALL ORDERS AND EVERYBODY WAS YELLING "YOU AINT GOT TO DO HIM LIKE THAT" FROM VS SAYING THAT AFTER THEY TOOK HIM OUT OF THE POD, AND THEN THE CONTROL BOOTH THEN CLOSED THE SLIDER.

AFTER THEY I GUESS THEY SECURED JAMAAR THEY ALL CAME BACK AND SHOOK DOWN THE WHOLE LOWER TIER, AND AFTER THEY (DEPUTYS) LET VS BACK IN OUR POD'S (CELLS) THE

DUPUTY'S WERE BOASTING "YEAH ANY ONE ELSE HAVE ~~DO~~ ANYTHING  
TO SAY" AND HOW I SEEN AND WITNESSED THIS WHOLE  
SITUATION IS BECAUSE I WAS IN THE NEXT TO THE LAST  
CELL ON THE LOWER TIER IN C-POD BUILDING 3. THIS  
IS MY TRUE AND HONEST WITNESS STATEMENT

JOSEPH BRACA - AYA-286



## CERTIFICATE

3 I, the undersigned, a Certified Shorthand  
4 Reporter, hereby certify that the witness in the  
5 foregoing deposition was first duly sworn to testify to  
6 the truth, the whole truth, and nothing but the truth in  
7 the within-entitled cause; that said deposition was  
8 taken at the time and place therein stated; that the  
9 testimony of said witness was reported by me, a  
10 disinterested person, and was thereafter transcribed  
11 under my direction into typewriting; that the foregoing  
12 is a full, complete and true record of said testimony;  
13 and that the witness was given an opportunity to read  
14 and, if necessary, correct said deposition and to  
15 subscribe to the same.

16 I further certify that I am not of counsel or  
17 attorney for either or any of the parties in the  
18 foregoing deposition and caption named, nor in any way  
19 interested in the outcome of the cause named in said  
20 caption. Executed this 5th day of July, 2011.

CERTIFIED SHORTHAND REPORTER  
NO. 5697

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